



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice Hugh P. Thompson
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Georgia Accountability Courts Program Data Report: July – September 2013 January 2014

Introduction

As a result of recent criminal justice reform legislation and Judicial Council policy directives, Georgia accountability courts, funded in part by state grants, submitted detailed, quantitative program data to begin a longitudinal study of the relationship between treatment programs and criminality. The initial and forthcoming quarterly data reports will serve as interim snapshots of program activity and lay the foundation for measuring court performance and analyzing reform initiatives over time. The importance of accurate, reliable, and valid data cannot be overstated if policy makers are to draw realistic conclusions from the long term study. This report details the findings of the first quarter (Q1) of fiscal year 2014.¹

Methodology

The initial quarterly report form was made available in June 2013 with a submission deadline of October 15. It consisted of four parts: (1) general/descriptive (number of participants, number of drug tests administered, number of graduates, etc.), (2) participant demographics (gender, age, education level, race/origin, etc.), (3) recidivism, and (4) sections specific to each court type.² All accountability courts receiving state grant funds – adult felony, adult misdemeanor, juvenile, and family – were required to report.

Analysis: All Programs

By the submission deadline, 78 of 99 courts completed the mandatory form and reported 3,786 active participants. Of the 21 courts not submitting data, half were adult felony courts.

During Q1, the courts reviewed 1,920 potential program participants:

- 761 (40%) accepted into programs,
- 223 (12%) rejected due to prior history,
- 650 (34%) rejected for other reasons, and
- 286 (15%) declined to participate.

Of the 761 new participants accepted, 439 (58%) were categorized as high risk, 194 (26%) as moderate risk, and 128 (17%) as neither (not categorized or low risk).

¹ Based on data for the period July 1 – September 30, 2013.

² Court types include adult felony drug, adult misdemeanor drug, adult mental health, veterans' treatment, DUI/Drug, juvenile drug, juvenile mental health, and family dependency treatment.

Program graduates numbered 358 during the period. Of 214 participants released from programs, 183 (86%) were terminated for non-compliance,³ 23 (11%) were administratively discharged,⁴ and eight (4%) were dismissed.⁵

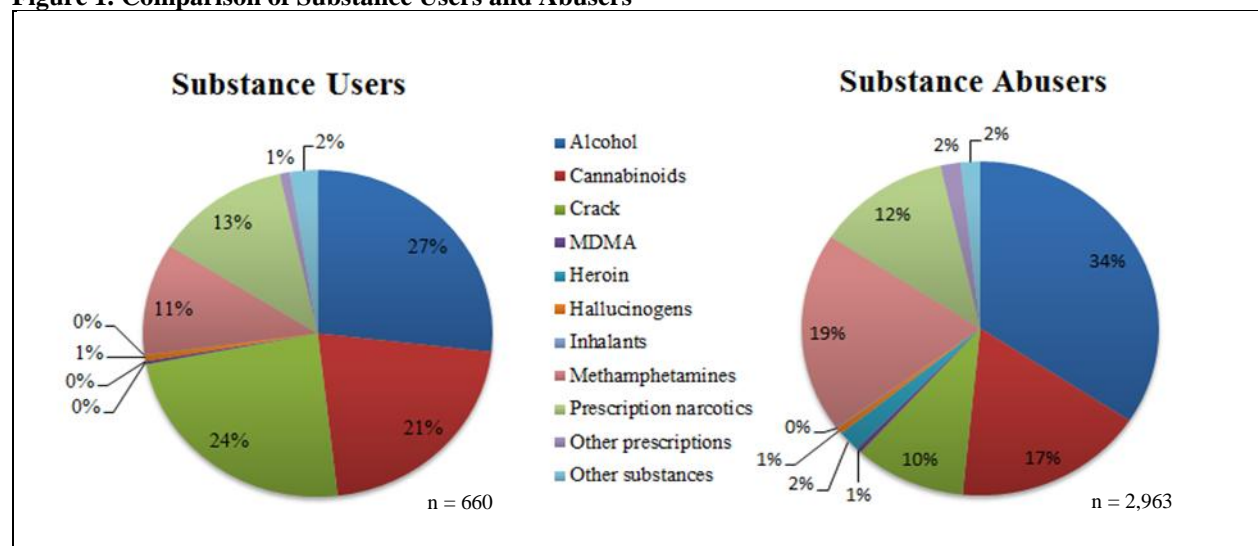
Substance Use vs. Abuse

Criminal justice research indicates offender populations should be distinguished according to substance use and abuse to better understand participants' drug consumption and related problems. Substance use is defined as experimental, infrequent, or irregular use of illicit drugs or substances, while substance abuse is defined as regular or compulsive use.

Accountability courts reported 2,963 (78%) of program participants as substance abusers and 660 (17%) as substance users.⁶ Prevalent substances of choice for substance abusers were alcohol (34%), methamphetamines (19%), cannabinoids (17%), prescription narcotics (12%), and crack cocaine (10%).

Users' preferred substances were alcohol (25%), crack cocaine (24%), cannabinoids (21%), prescription narcotics (13%), and methamphetamines (11%). Other drugs, such as MDMA, heroin, hallucinogens, inhalants, other unclassified drugs, and polysubstance dependence were reported at low frequencies among both user and abuser populations. Figure 1 shows the comparison between these participants for Q1.

Figure 1. Comparison of Substance Users and Abusers



³ Failure to comply with program rules/regulations or voluntary withdrawal from the program.

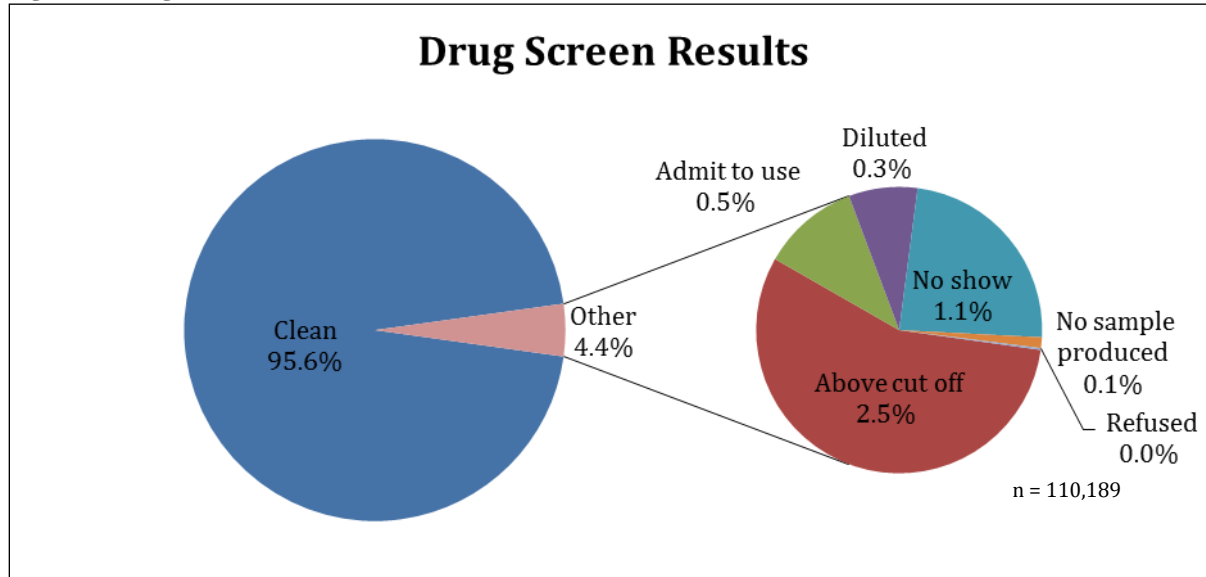
⁴ Program termination due to mental illness or medical conditions that do not allow a participant to complete a program.

⁵ Program termination due to death or incapacity.

⁶ Participants in mental health courts (both adult & juvenile), veterans' treatment courts, and family dependency treatment courts, may not necessarily use or abuse illicit drugs or substances.

Among the 110,189 drug screens conducted during the period, there were 78,936 urine tests, 30,789 breath tests, 351 saliva tests, and 113 hair tests. Only four percent of these tests resulted in positive drug screens. Figure 2 represents the breakdown of these positive drug results.

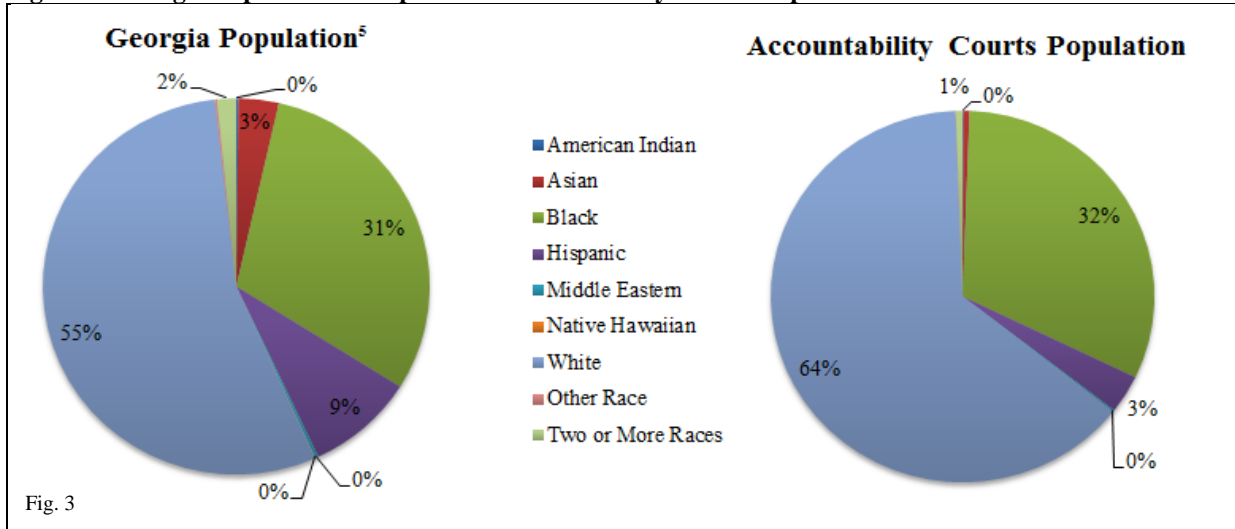
Figure 2. Drug Screen Results



Demographics

The race and ethnicity of accountability court participants is representative of the population of Georgia.⁷ Overall, participants were 64 percent White and 32 percent Black.

Figure 3. Georgia Population Compared to Accountability Courts Population



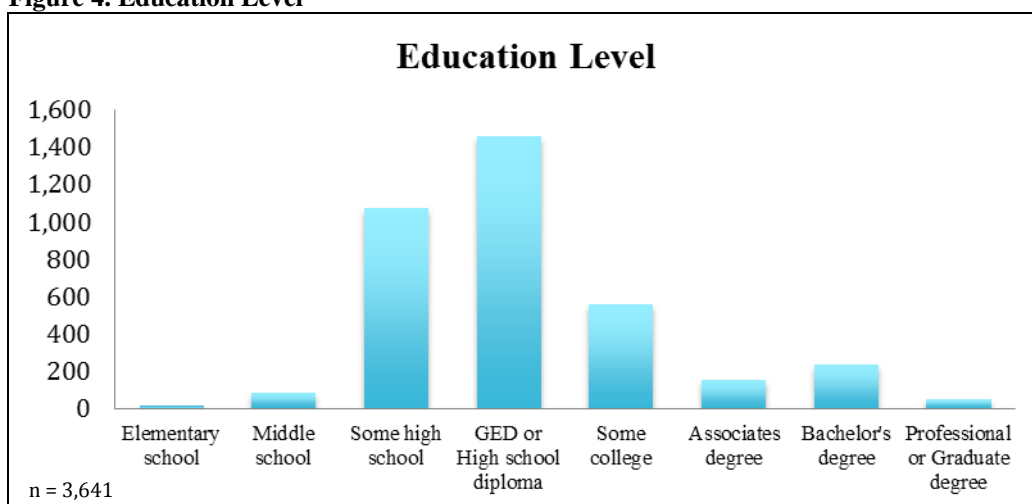
⁷ Based on 2012 U.S. Census Bureau data (ACS Demographic and Housing Estimates).

Males made up 68 percent of the participant population: 58 percent White, 36 percent Black, and 4 percent Hispanic. Of female participants, 76 percent were White, 21 percent were Black, and the remaining 3 percent were Hispanic, Asian, and multi-racial.

The median age bracket of male and female participants was 26-35 years. The majority of participants were male aged 26 and older.

Criminal justice research indicates a negative relationship between education and criminality⁸ which is reflected in this analysis. There was a significant portion of participants (72%) whose highest education level was high school/GED. Of the participants with at least some post-secondary education, seven percent had a bachelor's degree and higher.⁹ Figure 4 portrays the distribution of educational levels.

Figure 4. Education Level



Participant average annual income is estimated by the courts and is not inclusive of other household members. For those reported, most participants (92%) had an annual income under \$35,000.

Over half of participants were reported as single or divorced with 24 percent married or cohabitating with a significant other.

Taking demographic characteristics together, the portrait of a typical accountability court participant in Georgia is a single White male, 26-35 years of age with a high school diploma, an annual income just under \$35,000, and whose substance of choice is alcohol.¹⁰

⁸ L. Lochner and E. Moretti, "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports," *American Economic Review* 94, No.1 (2004): 155-89.

⁹ Education level information was received for 3,641 participants. The remaining 145 participants' education level was not collected by their respective courts.

¹⁰ Based on FY 2014 Quarter 1 self-reported data received.

Recidivism

For the purposes of this analysis, recidivism is defined as the re-arrest of a graduate or active participant due to a new criminal offense. A valid recidivism rate of graduates cannot yet be calculated due to the lack of consistent historical data. To ensure calculation of a meaningful recidivism rate and program success rate, courts should collect at least three years of recidivism data. Table 1 depicts how courts currently track recidivism for program graduates.

Table 1. Recidivism Data Collection Practices by Court Type

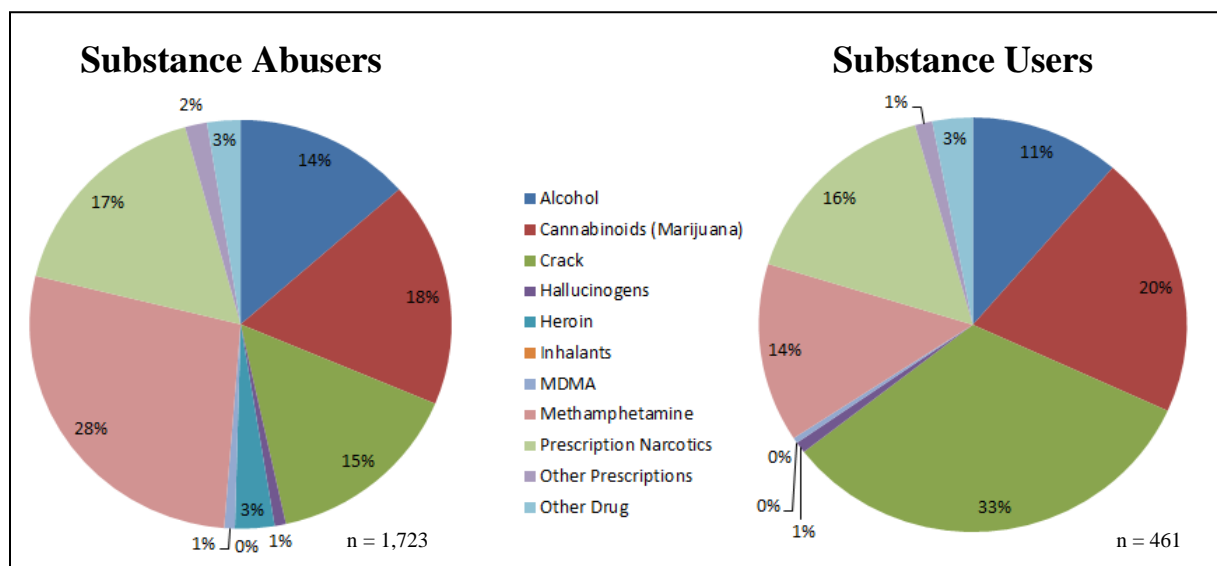
Court Type	Number of Months							
	1-12	13-24	25-36	37-48	49-60	60+	Don't Track	No Response
Adult Felony								
Drug	0	2	3	2	4	4	8	2
Drug/Mental Health Hybrid	0	0	0	0	2	0	0	0
Mental Health	3	3	2	1	5	0	1	0
DUI/Drug	1	0	3	1	4	3	3	0
Family Dependency Treatment	1	0	2	0	1	1	2	0
Juvenile								
Drug	1	0	3	0	1	1	1	0
Mental Health	0	0	0	0	0	0	1	1
Veterans' Treatment	0	0	0	0	0	0	0	2
Total	6	5	13	4	17	9	16	5

Analysis: Adult Felony Programs

For Q1, adult felony programs reported 2,282 active participants and 125 graduates. Of 148 participants exiting these programs, 129 (87%) participants were terminated due to non-compliance, 16 (11%) received an administrative discharge, and three (2%) were dismissed.

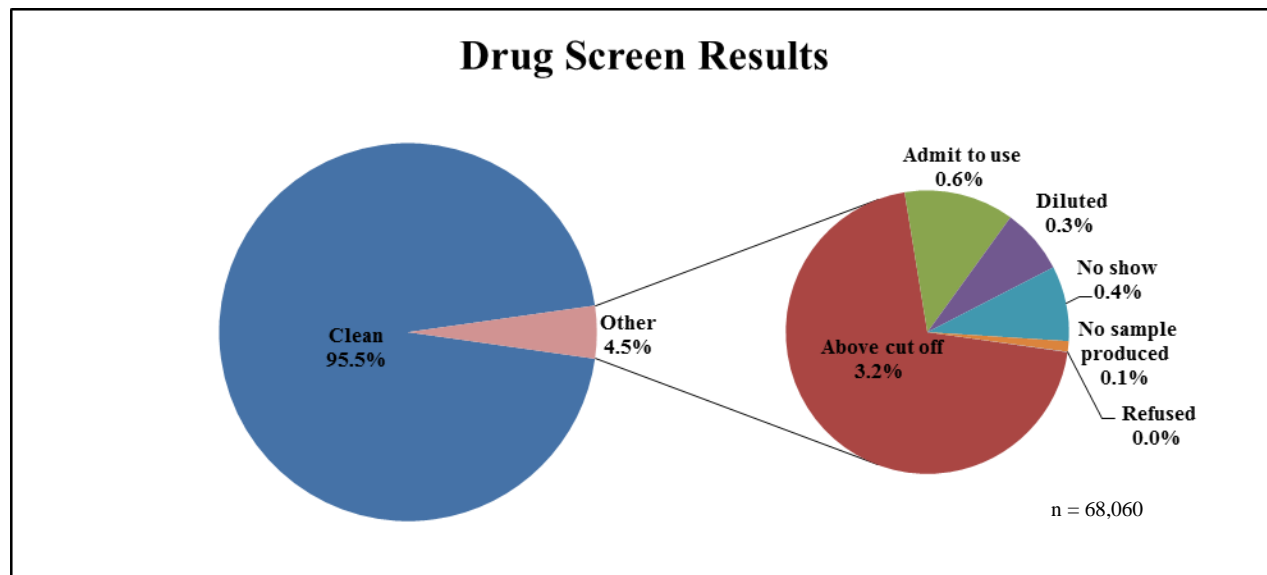
Adult felony programs reported 1,723 abusers and 461 users. Figure 5 shows a comparison of participants reported for Q1.

Figure 5. Comparison of Substance Abusers and Users in Adult Felony Programs



Within the adult felony programs, 68,060 drug tests were conducted: 53,704 urine tests, 14,012 breath tests, 339 saliva tests, and 5 hair tests. Only 4.5 percent of these tests resulted in positive drug screens. Figure 6 represents the breakdown of these positive drug results.

Figure 6. Drug Screen Results in Adult Felony Programs



Adult Drug Court

Reports were submitted from 28 of 36 courts (78%); three reports were not included in the analysis due to data errors. Adult drug courts reported 1,809 active participants, 79 percent of all felony court population.

During Q1, adult drug programs reviewed 815 potential participants:

- 349 (43%) were accepted,
- 118 (14%) were rejected due to prior history,
- 225 (28%) were rejected for other reasons, and
- 123 (15%) declined to participate.

During the period, 112 participants graduated. Fourteen participants experienced an administrative discharge,¹¹ 98 participants were non-compliant,¹² and two participants were dismissed.¹³ Due to reporting errors, the number of moderate and high risk participants¹⁴ cannot be determined for Q1.

¹¹ Program termination due to mental illness or medical conditions that do not allow a participant to complete a program.

¹² Failure to comply with program rules/regulations or voluntary withdrawal from the program.

¹³ Program termination due to death or incapacity

¹⁴ Based on data from courts currently using a risk assessment tool.

Adult Drug/Mental Health Hybrid Court

Both adult drug/mental health hybrid courts reported a total of 100 participants, making up four percent of the felony program population. Of the 43 offenders reviewed for program entry:

- 21 (49%) were accepted,
- 16 (37%) were rejected due to prior history,
- 4 (9%) were rejected due to other reasons, and
- 2 (5%) declined to participate.

There were five graduates, and nine participants were terminated due to non-compliance. Of the 21 new offenders accepted into programs, eight were categorized as high or moderate risk. The other 13 new participants were in neither category.

Adult Mental Health Courts

Fifteen of eighteen courts submitted reports accounting for 374 participants. These participants make up 16 percent of the felony program population. Of 334 offenders reviewed:

- 76 (23%) were accepted into a program
- 59 (17%) were rejected due to prior history
- 139 (42%) were rejected due to other reasons
- 60 (18%) declined to participate.

In Q1, eight participants graduated, 22 participants were terminated due to non-compliance, two due to administrative discharge, and one was dismissed. Of 76 new offenders accepted into programs, 29 (38%) were categorized as high risk and 26 (34%) as moderate risk. The 21 (28%) remaining new participants were in neither category.

Recidivism and Rearrests of Adult Felony Programs

Adult felony program recidivism monitoring is depicted in Table 1 (see p.5).

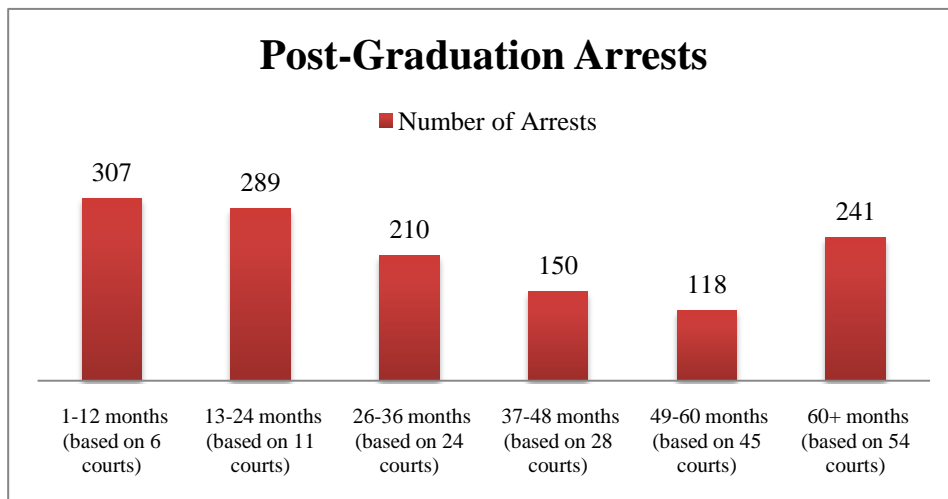
Table 2, below, shows that 79 active participants (3%) were arrested during Q1 for new charges. Participants convicted of new felony and misdemeanor charges and probation/parole violations were 2 percent of total adult felony court participants.¹⁵ The table displays the proportion of arrests, convictions, and violations to number of participants by court type.

¹⁵ Some participants have been simultaneously convicted of felony charges, misdemeanor charges, or probation/parole violations charges.

Table 2. Participant Frequency of Reoffending While Active in an Adult Felony Program

Participants	Drug	Drug/ Mental Health Hybrid	Mental Health	Total
Number of active participants	1,809	100	374	2,283
Number arrested for new charges	53	11	15	79
Percentage	2.9%	11.0%	4.0%	3.4%
Number convicted of new felony charges	4	3	1	8
Percentage	0.2%	3.0%	0.3%	0.5%
Number convicted of new misdemeanor charges	15	4	3	22
Percentage	0.8%	4.0%	0.8%	1.6%
Number convicted of probation/parole violations	5	4	1	10
Percentage	0.3%	4.0%	0.3%	0.4%

Data on post-graduation arrests within one-year intervals¹⁶ generally show a downward trend year-to-year. Not all courts collect recidivism data for the same duration of time; therefore, the trend displayed in Figure 7 is based on the respective number of courts collecting recidivism data for the specific time period.

Figure 7. Post-Graduation Arrests

¹⁶ In order to calculate an arrest rate for graduates, previous years' data must be analyzed. Since the average court program is 18 months in duration, re-arrest and recidivism analysis will be informative after six quarters of data.

Future Analysis

Q1 data – aggregate program data submitted by individual courts to the AOC – serves as a baseline for future descriptive analyses. While active participants and graduates can be profiled as in the preceding pages, certain questions requiring individual level data, which is not collected, cannot be answered. These questions include:

- What is the cost per participant in an accountability court program?
- How many low risk offenders are admitted to accountability courts?
- Which participants should have been placed into a diversion program instead?
- How many prison beds are not occupied due to adult felony court programs?

Over time, the AOC will be able to analyze the program level data and report:

- Trends of participants (employment, education, demographics, etc.)
- County of residence of participants
- Best practices and standards being used by courts
- The number of active participants re-offending while in a program
- The number of graduates re-offending and the programs from which they graduated
- Substance use and abuse trends, including participants' primary substance(s) of choice and frequency of use
- Common diagnoses in mental health court and veterans' treatment participants, frequency of psychotropic medications as part of treatment, and comorbidity
- Areas in which accountability court resources are needed
- Effectiveness of courts and programs in reducing recidivism.

It is anticipated that this data will be combined with other research to gain insights into the role of accountability courts in addressing criminal activity and substance addiction.